TABLE OF CONTENTS

			Page Number
HAPTER	1. INT	FRODUCTION	1-1
1-1	Purp	oose of This Handbook	1-1
1-2	Prog	grams Subject to This Handbook	1-1
	Α.	Applicable Programs	1-1
	B.	State Agency Financed Properties	1-1
	C.	How Applicability Varies	1-2
	D.	Programs and Properties Not Subject to This Handbook	1-3
	E.	Compliance	1-3
1-3	Bacl	kground – Key Multifamily Subsidized Housing Program	ıs1-3
	A.	Financing Subsidies: Mortgage Insurance and Mortgage I	nterest Rate
	В.	Direct Loans and Capital Advances	1-5
	В. С.	Project Rental Subsidies	1-6
1-4		tract Administrators	
1-5	Prin	ciples for Addressing Overlapping Federal, State, and L	ocal
	•	uirements	
	A.	General	1-8
	B.	Statutory Program Eligibility Requirements	1-8
	C.	Multiple Federal Laws	1-9
	D.	Overlap Between Federal and State/Local Laws	1-9
1-6	Han	dbook Organization	1-9
	A.	Organization of Chapters	1-9
	B.	Format	1-9
	C.	Key Terms	1-10
1-7	Add	itional Program Resources	1-10
	A.	Relevant HUD Handbooks	1-10
	B.	Other HUD Publications and Information	1-11
	C.	Ordering Publications	1-13
1-8	Han	dbook Waivers, Key Statutes, and Regulations	1-14

CHAF	PTER 2	CIVIL RIGHTS AND NONDISCRIMINATION REQUIREMENTS	2-1
	2-1	Introduction	2-1
	2-2	Key Terms	2-2
	SECT	ION 1: APPLICABLE LAWS	2-3
	2-3	Key Regulations and Statute	2-3
	2-4	General Provisions	2-3
	2-5	Fair Housing Act	2-4
		A. General	2-4
		B. Prohibited Actions	2-5
		C. Additional Protections for Persons with Disabilities	2-6
		D. Obligation to Affirmatively Further Fair Housing	2-6
		E. Fair Housing Poster	2-7
	2-6	Title VI of the Civil Rights Act of 1964	2-7
	2-7	Age Discrimination Act of 1975	2-7
	2-8	Section 504 of the Rehabilitation Act of 1973	2-8
	2-9	Civil Rights Related Program Requirements	2-9
	2-10	Title VI, Subtitle D of the Housing and Community Development Act of 1992 (42 U.S.C. 13641)	2-9
	2-11	Required Data and Record-Keeping	2-10
		A. Required Data	2-10
		B. Record-Keeping	2-10
	2-12	Principles for Addressing Overlapping Federal, State, and Local Requirements	2-11
	SECT	ION 2: NONDISCRIMINATION REQUIREMENTS UNDER THE FAIL HOUSING ACT	
	2-13	Key Regulation	2-11
	2-14	General	2-11
	2-15	Unlawful Refusal to Rent or Negotiate for Rental	2-12
	2-16	Other Prohibited Rental Activities	2-12
	2-17	Discrimination in the Representation of Available Dwellings	2-13
	2-18	Discrimination in Terms, Conditions, Privileges, Services, and Facilities	2-13
	2-19	Discrimination in Marketing, Statements, and Notices	2-14

ii

2-20		atory Occupancy Practices, Injury, Intimidation, terference	2-15
SECT	TON 3:	ADDITIONAL NONDISCRIMINATION AND ACCESSIBILIT REQUIREMENTS FOR PERSONS WITH DISABILITIES	
SUBS	SECTIO	N 1: OVERVIEW AND GENERAL REQUIREMENTS	2-16
2-21	Key R	egulations	2-16
2-22	Introd	uction	2-16
2-23		tion of Persons with Disabilities for Civil Rights Protections s Program Eligibility Purposes	2-18
	A.	Definitions with Respect to Civil Rights Protections	2-18
	B.	Definitions for Program Eligibility Purposes	2-18
2-24	Applic	ability	2-19
2-25	Overv	iew of Key Requirements	2-19
	A.	Nondiscrimination and Accessibility Requirements	2-19
	B.	Projects with Multiple Contracts	2-20
	C.	Allowable Methods of Compliance	2-20
	D.	Prioritizing Methods	2-20
	E.	Accessible Unit Requirements	2-20
2-26	Techn	ical Resources	2-21
SUBS	SECTIO	N 2: POLICIES AND PROCEDURES TO ENSURE NONDISCRIMINATION AND PROMOTE ACCESSIBILITY.	2-22
2-27	Nondi	scrimination in Owner Policies	2-22
2-28	Coord	inating Efforts to Comply with Section 504 Requirements	2-23
2-29	Comm	nunications with Persons with Disabilities	2-23
	A.	Overview	2-23
	B.	Providing Auxiliary Aids to Ensure Effective Communication with Hearing- and Speech-Impaired Individuals	2-24
	C.	Written Communications	2-24
	D.	Telecommunications	2-26
2-30	Inform	nation about Availability of Accessible Units	2-26
2-31	Deterr	nining Eligibility of Applicants for Admission and Assistance	2-26
2-32	Assig	ning Accessible Units	2-28
	Α.	Applicability	2-28
	В	Eligibility for Accessible Units	2-29

	C. Order When Assigning Accessible Units	2-29
2-33	Moving Tenants Who Require Special Features into Accessible Units	2-30
2-34	Owner Self-Evaluation	2-31
SUBS	SECTION 3: PHYSICAL ACCESSIBILITY	. 2-33
2-35	Owners' Requirements for Providing Physical Accessibility	2-33
	A. General	2-33
	B. Federally Assisted Multifamily Properties Built After July 11, 1988	2-33
	C. Accessible Routes	2-33
	D. Common Use Facilities	2-34
	E. Physical Alterations to Existing Housing	2-34
2-36	Building Standards	2-35
2-37	Limitations on Owners' Obligations to Make Their Housing Physically Accessible to Persons with Disabilities	2-36
SUBS	SECTION 4: REASONABLE ACCOMMODATIONS	. 2-36
2-38	General	2-36
2-39	What Are Reasonable Accommodations?	2-37
2-40	Key Principles Regarding Reasonable Accommodations	2-37
2-41	Reasonable Accommodations – Property Operations	2-38
2-42	Reasonable Accommodations – Physical Alterations	2-38
2-43	Limits on Obligations to Provide Reasonable Accomodations	2-38
2-44	Assistance Animals as a Reasonable Accomodation	2-41
SUBS	SECTION 5: ADDITIONAL FAIR HOUSING ACT REQUIREMENTS	. 2-42
2-45	Fair Housing Accessibility Requirements	2-42
2-46	Additional Fair Housing Act Requirement to Allow Tenant3 Modification of the Premises	2-43
2-47	Owner and Tenant Responsibilities When Tenant Modifies Unit in Accordance with the Fair Housing Act	2-43
SEC	TION 4: HOUSING DISCRIMINATION COMPLAINTS AND COMPLIANCE REVIEWS	. 2-44
2-48	Housing Discrimination Complaints	2-44
2-49	Compliance Reviews	2-44

CHAPTER	3. ELI	GIBILITY FOR ASSISTANCE AND OCCUPANCY	3-1
3-1	Intro	oduction	3-1
3-2	Key	Terms	3-2
SEC	TION	1: PROGRAM ELIGIBILITY	3-3
3-3	Key	Regulations	3-3
	A.	Income Limits	3-3
	B.	Disclosure of Social Security Numbers	3-3
	C.	Consent Forms	3-3
	D.	Restrictions on Assistance to Noncitizens	3-3
3-4	Eligi	ibility Determinations – General	3-3
3-5	Key	Program Eligibility Requirements	3-3
3-6	Inco	me Limits	3-4
	A.	Income Eligibility	3-4
	B.	Establishing Income Limits	3-4
	C.	Timing of Income Eligibility Determinations	3-5
	D.	Program Income Limits	3-5
	E.	Income Limits and Family Size	3-8
	F.	Determining the Applicable Income Limit and Eligibility for Assista	nce 3-10
3-7	Exce	eptions to the Income Limits in Section 8 Projects	3-10
	A.	Post-1981 Universe	3-10
	B.	Pre-1981 Universe	3-11
	C.	Eligible In-Place Tenants (Exceptions to the income limits that do not require HUD approval)	3-11
	D.	Exceptions to the Income Limits for Post-1981 Properties Requiring HUD Approval	3 3-11
	E.	Procedures for Requesting and Using Exceptions to the Very Low-Income Limit in Post-1981 Section 8 Properties	3-13
	F.	Exceptions to Section 8 Income Targeting Requirements	3-13
3-8	Adm	nitting Over-Income Applicants	3-14
	A.	Section 8, Section 202/8, Section 202 PAC, and Section 202 PRAC a Section 811 PRAC Units	and 3-14
	B.	BMIR Units	3-14
	C.	Section 236, Rent Supplement, and RAP Units	3-14
	D.	Admission of Police Officers or Security Personnel in Section 8 Properties	3-15

3-9	Discl	osure of Social Security Numbers	3-17
	A.	Key Requirements	3-17
	B.	Required Documentation	3-17
	C.	Provisions for Accepting Applicants without Documentation of Social Security Numbers	3-17
3-10	Resid	lence Criteria	3-18
	A.	Key Requirement	3-18
	B.	Sole Residence Requirement	3-18
	C.	Prohibition Against Double Subsidies	3-18
3-11	Cons	ent and Verification Forms	3-18
	A.	Key Requirements	3-18
	B.	Who Must Sign Consent and Verification Forms	3-19
	C.	Provisions for Refusal to Sign	3-19
3-12	Restr	iction on Assistance to Noncitizens	3-19
	A.	Overview	3-19
	B.	Key Requirements	3-20
	C.	Administration of Restriction on Assistance to Noncitizen	3-21
	D.	Protection from Liability for Project Owners	3-21
	E.	Reviewing a Family's Citizenship/immigration Status	3-21
	F.	Applicability	3-22
	G.	Notification to Applicants	3-22
	H.	Owner Preparation to Collect Documentation of Citizenship/Immigration Status	3-23
	l.	Required Documentation of Citizenship/Immigration Status	3-23
	J.	Timeframes for Submitting Evidence of Citizenship/Immigration Status to the Owner	3-24
	K.	Prohibition Against Delay of Assistance	3-25
	L.	Verifying Information on Immigration Status	3-27
	M.	Appealing Determinations of Ineligibility	3-28
	N.	Mixed Families	3-28
	Ο.	Continued Assistance	3-29
	P.	Prorated Assistance	3-29
	Q.	Temporary Deferral of Termination of Assistance	3-32
	R.	Prohibition of Assistance to Noncitizen Students	3-34
3-13	Deter	mining the Eligibility of Students for Assistance	3-35

SEC1	ΓΙΟΝ 2:	PROJECT ELIGIBILITY	. 3-38				
3-14	Key R	egulations	3-38				
	A.	Eligibility for Admission to Section 8 Projects	3-38				
	B.	Eligibility for Admission to Individual Section 202, Section 202/8, Section 202 PAC, Section 202 PRAC, and Section 811 PRAC Projects	3-38				
	C.	Occupancy Standards	3-38				
3-15	Progra	am versus Project Eligibility	3-38				
3-16	Deter	mining the Eligibility of a Remaining Member of a Tenant Family	3-39				
3-17		Definitions of Elderly and Disability Used to Determine Project Eligibility3-40					
3-18	Type (ility Requirements for Admission to Elderly Projects, By Progran Covered by Title VI, Subtitle D of the Housing and Community opment Act of 1992	n 3-47				
	A.	Owner-Adopted Preferences for Elderly, Disabled, Nonelderly Disable Near-Elderly Disabled Families	d, and 3-47				
	B.	Owner-Adopted Elderly Restrictions in Certain Federally Assisted Horojects that were Designated to Serve the Elderly	u sing 3-52				
3-19	Type <u>I</u>	Eligibility Requirements for Admission to Elderly Projects, by Program Type Not Covered by Title VI, Subtitle D of the Housing and Community Development Act of 19923-57					
	A.	Section 231 Projects with Section 8 (not covered by Section 651) and/	'or 3-57				
	В	Section 221(d)(3) with a Rent Supplement Contract	3-57				
	C.	Prepaid Projects with formerly HUD-Insured Mortgages Under Section Section 231, Section 8 not covered by itle VI D or Property Disposition Aside that does not Involve Substantial Rehabilitation					
3-20		ility for Admission to Individual Section 202, Section 202/8, Secti AC, and Section 202 and Section 811 PRAC Projects					
3-21	Applic	cants with Housing Choice Vouchers	3-61				
	A.	100% of Units Receive Assistance under an Assistance Contract	3-61				
	B.	Partially Assisted Properties	3-61				
	C.	Section 236, Section 221(d)(3) BMIR, and Section 202 Units (without Assistance Contracts)	3-62				
	D.	Previously HUD-Owned Projects	3-62				
3-22	Eligib	ility of Single Persons	3-62				
3-23	Occup	pancy Standards	3-63				
	A.	Overview	3-63				
	B.	Key Requirements	3-64				
	C.	Timeframe for Applying Occupancy Standards	3-64				

		D.	Prohibition of Occupancy Standards that Exclude Children	3-64
		E.	General Occupancy Standards	3-64
		F.	Assigning a Smaller Unit Than Required	3-66
		G.	Assigning Units Larger Than Required	3-67
		H.	Change in Family Size After Initial Occupancy	3-67
		l.	Change in Need for Accessible Features	3-69
	SEC	TION 3:	: VERIFICATION OF ELIGIBILITY FACTORS	3-69
	3-24	Key R	Regulations	3-69
	3-25	Introd	duction	3-69
	3-26	Key R	Requirements	3-70
	3-27	Verifi	cation of Family Composition	3-70
	3-28	Verifi	cation of Family Type and Individual Status	3-70
		A.	Overview	3-70
		B.	Disability	3-71
		C.	Age	3-71
	3-29	Verifi	cation of the Need for an Assistance Animal	3-72
	3-30	Verifi	cation of Income Eligibility	3-72
	3-31	Collec	cting Proof of Social Security Numbers	3-72
	3-32	Verifi	cation of Citizenship and Immigration Status	3-73
	3-33	Verifi	ying Eligibility of Students for Assistance	3-73
CHA	PTER	4. WAI	TING LIST AND TENANT SELECTION	4-1
	4-1	Introd	duction	4-1
	4-2	Key T	erms	4-1
	SEC	ΓΙΟΝ 1 :	: TENANT SELECTION PLAN	4-2
	4-3	Key R	Regulations	4-2
		A.	Tenant Selection Plan	4-2
		B.	Income-Targeting	4-2
		C.	Preferences	4-2
		D.	Required Criminal and Drug Screening Standards	4-3
		E.	Screening for Suitability	4-3
		F.	Rejecting Applicants and Denial of Rental Assistance	4-3
		G.	Denial of Assistance to Noncitizens and DHS Appeal Process	4-3

4-4	Tenan	t Selection Plan	4-3
	A.	Key Requirements	4-3
	B.	HUD Review of the Tenant Selection Plan	4-3
	C.	Required Contents of the Tenant Selection Plan	4-5
	D.	Additional Owner Policies and Practices	4-7
	E.	Modification of the Tenant Selection Plan	4-7
	F.	Availability of the Tenant Selection Plan	4-7
4-5		ne-Targeting – Applicable Only to the Section 8 Project-Based am Except Where Otherwise Noted	4-7
	A.	Key Requirements	4-7
	B.	Methods to Comply with Income-Targeting Requirements	4-8
4-6	Prefer	ences	4-9
	A.	Key Requirements	4-10
	B.	Statutory, HUD, State, and Local Preferences	4-10
	C.	Owner-Adopted Preferences	4-12
	D.	Determining the Relative Weight of Owner-Adopted Preferences	4-14
4-7	Scree	ning for Suitability	4-14
	A.	Screening Versus Determining Eligibility	4-14
	B.	Key Requirements	4-15
	C.	Screening for Drug Abuse and Other Criminal Activity	4-15
	D.	Considerations in Developing Screening Criteria	4-16
	E.	Permitted Screening Criteria Commonly Used by Owners	4-18
4-8	Prohil	oited Screening Criteria	4-20
	A.	Criteria That Could be Discriminatory	4-21
	B.	Criteria That Require Medical Evaluation or Treatment	4-21
	C.	Criteria That Require Meals and Other Services	4-22
	D.	Criteria That Require Donation or Contribution	4-22
	E.	Criteria That Inquire about Disabled Status	4-22
	F.	Criteria Prohibited by State and Local Laws	4-23
4-9	Reject	ting Applicants and Denial of Rental Assistance	4-23
	A.	Key Requirements	4-23
	B.	Conditions under Which Owners May Reject Applicants	4-23
	C.	Notification of Applicant Rejection	4-24
	D.	Owner Meetings with Applicants to Discuss Rejection Notices	4-24
SEC.	TION 2.	MARKETING	4-25

4-10	Key R	egulations	4-25
4-11	Summ	nary of Key Requirements	4-25
	A.	Affirmative Fair Housing Marketing Requirements	4-25
	B.	Fair Housing Poster	4-25
4-12	Affirm	ative Fair Housing Marketing and Fair Housing Poster	4-25
	A.	Key Requirements	4-26
	B.	Affirmative Fair Housing Marketing Plan	4-26
	C.	Special Marketing Requirements	4-26
	D.	Advertising	4-27
	E.	Records	4-28
	F.	Updating the Marketing Plan	4-28
	G.	Fair Housing Poster	4-29
SECT	ΓΙΟΝ 3:	WAITING LIST MANAGEMENT	4-29
4-13	Key R	egulations	4-29
	A.	Taking Applications for Occupancy	4-29
	B.	Creating and Maintaining Waiting Lists	4-29
	C.	Record-Keeping	4-29
4-14	Taking	g Applications for Occupancy	4-30
	A.	Key Requirements	4-30
	B.	Contents of Application	4-30
	C.	Types of Applications	4-31
4-15	Match	ing Applicants on the Waiting List to Available Units	4-31
	A.	Overview	4-31
	B.	Nondiscrimination When Matching Applicants to Available Units	4-31
	C.	Matching Family Characteristics with Available Units	4-32
	D.	Section 8 Units: Extremely Low-Income Targeting Requirements and Tenant Selection	4-32
	E.	Restrictions on Applicant Selection Based on Income	4-32
	F.	Matching Single Persons to Units	4-32
4-16	Creati	ng and Maintaining Waiting Lists	4-33
	A.	Key Requirements	4-33
	B.	Opening and Closing the Waiting List	4-33
	C.	Determining an Applicant's Preliminary Eligibility	4-34

	D. Creating Waiting Lists	4-35		
4-17	Placing Families with Disabled Family Members4-36			
4-18	Documenting Changes to Waiting Lists	4-36		
	A. Overview	4-36		
	B. Providing an Auditable Record of Changes to Waiting Lists	4-37		
	C. Maintaining Documentation of the Waiting Lists	4-37		
	D. Maintaining Records of Manually Recorded Waiting Lists	4-37		
	E. Maintaining Records for Electronic Waiting Lists	4-37		
4-19	Updating Waiting List Information	4-38		
4-20	Removing Names from the Waiting List	4-39		
4-21	Reinstating Applicants to the Waiting List	4-40		
4-22	Record-Keeping	4-40		
SECT	ION 4: SELECTING TENANTS FROM THE WAITING LIST	4-40		
SLUI	1014. SELECTING TENANTSTROM THE WAITING EIST			
4-23	General	4-40		
4-24	Applicant Interviews	4-41		
4-25	Applying Income Targeting Requirements in Section 8 Properties	s4-43		
4-26	Verification of Preferences	4-49		
	A. Key Requirements	4-49		
	B. Acceptable Verification Methods	4-49		
4-27	Implementing Screening Reviews	4-51		
	A. Timing for Conducting Screening Reviews	4-51		
	B. Screening for Credit History	4-51		
	C. Screening for Rental History	4-51		
	D. Screening for Housekeeping	4-53		
	E. Screening for Drug Abuse and Other Criminal Activity	4-53		
4-28	Ensuring That Screening Is Performed Consistently	4-55		
	A. Procedures	4-55		
	B. Extenuating Circumstances	4-55		
4-29	Verifying the Need for Accessible Units	4-56		
4-30	Addressing Requests for Reasonable Accommodations	4-57		
4-31	Denial of Assistance to Noncitizens	4-57		
	A. Applicability	4-57		
	B. Offering and Continuing Assistance	4-58		
	C. Events Triggering Denial of Assistance	4-58		

		D.	Required Notice	4-58
		E.	DHS Appeal Process	4-59
CHA	APTER	5. DET	ERMINING INCOME AND CALCULATING RENT	5-1
	5-1	Introd	duction	5-1
	5-2	Key T	erms	5-2
	SEC	TION 1:	: DETERMINING ANNUAL INCOME	5-3
	5-3	Kev F	Regulations	5-3
	5-4	-	Requirements	
	5-5	-	ods for Projecting and Calculating Annual Income	
	5-6		lating Income—Elements of Annual Income	
		A.	Income of Adults and Dependents	5-6
		л. В.	Income of Temporarily Absent Family Members	5-8
		C.	Income of Permanently Confined Family Members	5-8
		D.	Educational Scholarships or Grants	5-9
		E.	Alimony or Child Support	5-9
		F.	Regular Cash Contributions and Gifts	5-10
		G.	Income from a Business	5-10
		Н.	Periodic Social Security Benefits	5-11
		I.	Adjustments for Prior Overpayment of Benefits	5-11
		I.	Public Assistance Income in As-Paid Localities	5-11
		J.	Periodic Payments from Long-Term Care Insurance, Pensions, Annuities, and Disability or Death Benefits	5-12
		K.	Income from Training Programs	5-14
		L.	Resident Services Stipends	5-15
		M.	Income Received by a Resident of an Intermediate Care Facility for the Mentally Retarded or for the Developmentally Disabled (ICF/MR or ICF/DD) and Assisted Living Units in Elderly Projects	5-16
		N.	Withdrawal of Cash or Assets from an Investment	5-16
		Ο.	Lump Sum Payments Counted as Income	5-17
		P.	Exclusions from Income	5-19
	5-7	Calcu	ılating Income from Assets	5-20
		A.	What is Considered to Be an Asset?	5-20
		B.	Determining Income from Assets	5-20
		C.	Determining the Total Cash Value of Family Assets	5-21

	D.	Assets Owned Jointly	5-22
	E.	Calculating Income from Assets When Assets Total \$5,000 or Less	5-24
	F.	Calculating Income from Assets When Assets Exceed \$5,000	5-24
	G.	Calculating Income from Assets - Specific Types of Assets	5-26
SECT	TON 2:	DETERMINING ADJUSTED INCOME	5-37
5-8	Key R	egulations	5-37
5-9	Key R	equirements for Determining Adjusted Income	5-37
5-10	Calcul	ating Adjusted Income	5-38
	A.	Dependent Deduction	5-38
	B.	Child Care Deduction	5-38
	C.	Deduction for Disability Assistance Expense	5-40
	D.	Medical Expense Deduction	5-43
	E.	Elderly Family Deduction	5-47
	F.	No Deduction for Alimony or Child Support Paid to a Person outside the Assisted Family	5-48
SECT	TON 3:	VERIFICATION	5-49
5-11	Key R	egulations	5-49
5-12	Verific	ation Requirements	5-49
	A.	Key Requirements	5-49
	B.	Timeframe for Conducting Verifications	5-50
5-13	Accep	table Verification Methods	5-51
	A.	Methods of Verification	5-51
	B.	Third-Party Verification	5-51
	C.	Review of Documents	5-52
	D.	Family Certification	5-54
5-14	Identif	ying Appropriate Verification Sources	5-54
5-15	Requi	red Verification and Consent Forms	5-54
	A.	Consent and Verification Forms	5-54
	B.	HUD-Required Consent and Release Forms	5-54
	C.	Information to Tenants	5-55
	D.	Owner-Created Verification Forms	5-55
5-16	Social	Security and Supplemental Security Income Data Match	5-56
5-17	Effecti	ive Term of Verifications	5-56
	Δ	Duration of Verification Authorization	5-57

	B.	Effective Term of Verifications	5-58
5-18	Incor	nsistent Information Obtained Through Verifications	.5-58
5-19	Docu	menting Verifications	.5-58
	A.	Key Requirement	5-58
	B.	Documenting Third-Party Verification	5-58
	C.	Documenting Telephone Verification	5-59
	D.	Recording Inspection of Original Documents	5-59
	E.	Documenting Why Third-Party Verification Is Not Available	5-59
	F.	Reasonable Accommodation	5-60
5-20	Conf	identiality of Applicant and Tenant Information	.5-60
5-21	Refu	sal to Sign Consent Forms	.5-61
5-22	Interi	m Recertifications	.5-61
5-23	Reco	rd-Keeping Procedures	.5-61
SECT	TION 4	: CALCULATING TENANT RENT	5-62
5-24	Key I	Regulations	.5-62
5-25		ulating the Tenant Contribution for Section 8, PAC, PRAC, and Rent Supplement Properties	.5-62
	A.	Total Tenant Payment (TTP)	5-62
	B.	Unit Rent	5-63
	C.	Timeframe for Calculating Rent	5-63
5-26		edures for Determining Tenant Contribution for Section 8, PRAC, RAP, and Rent Supplement Properties	.5-64
	A.	Tenant Rent	5-64
	B.	Assistance Payments	5-65
	C.	Utility Reimbursement	5-65
	D.	Section 8 Minimum Rent	5-66
	E.	Welfare Rent	5-68
5-27		ulating Assistance Payments for Authorized Police/Security onnel	.5-69
5-28		ulating Tenant Contribution for "Double Occupancy" in p Homes	.5-69
	A.	Double Occupancy	5-69
	B.	Total Tenant Payment	5-70
	C.	Contract Rent and Assistance Payment in Section 202/8 Group Homes	5-70
	D	Contract Rent and Assistance Payment in Section 811 Group Homes	5-71

		E.	Calculating Rent at Change in Occupancy	5-73
	5-29		ating Tenant Contribution for Section 236 and Section 221(d)(3) Market Interest Rate (BMIR)	5-74
		A.	Tenant's Rent Contribution	5-74
		B.	Timeframe for Calculating Rent	5-75
	5-30		nining Tenant Contribution at Properties with Multiple Forms of dy	5-76
	5-31	Proce	dures for Calculating Rent	5-78
СНА	PTER 6	S. LEAS	SE REQUIREMENTS AND LEASING ACTIVITIES	6-1
	6-1	Introd	uction	6-1
	6-2	Key Te	erms	6-2
	SECT	ION 1:	LEASES AND LEASE ATTACHMENTS	6-3
	6-3	Key R	egulations	6-3
		A.	Lease Requirements	6-3
		B.	Lead-Based Paint	6-3
		C.	Pet Regulations	6-3
		D.	Amending the Lease	6-3
	6-4	Lease	s and Lease Attachments – General	6-3
	6-5	Lease	Requirements	6-5
		A.	Form of Lease	6-5
		B.	Key Requirements under HUD's Model Leases	6-7
		C.	Model Lease for Subsidized Programs	6-8
		D.	Model Lease for Section 202/8 and Section 202 PACs	6-10
		E.	Model Lease for Section 202 PRACs and Section 811 PRACs	6-10
		F.	Required Lease Provisions for Specific Properties	6-11
	6-6	Lease	Term	6-11
		A.	Introduction	6-11
		B.	Initial Term	6-11
		C.	Renewal Terms	6-12
	6-7	Attach	ments to the Lease	6-12
	6-8	Lead-E	Based Paint Disclosure Form	6-14
		A.	Applicability	6-14
		B.	Overview	6-14

	C. Disclosure Rule Requirements	6-15
	D. Record-Keeping Requirements	6-17
6-9	House Rules	6-17
	A. Overview	6-17
	B. Key Requirements	6-17
6-10	Pet Rules	6-20
	A. Applicability	620
	B. Overview	6-20
	C. Key Requirements	6-21
	D. Lease Provisions for Pets	6-22
	E. Procedures When Pet Rules Are Violated	6-23
6-11	Amending the Lease for Rent Changes	6-24
	A. Overview	6-24
	B. Key Requirements	6-24
6-12	Modifying the Lease	6-25
	A. Applicability	6-25
	B. Key Requirements	6-25
	C. Submission and Approval Process for Modifying the Lease	6-26
	D. Providing Notice to the Tenant	6-27
SEC	TION 2: SECURITY DEPOSITS	6-28
6-13	Key Regulations	6-28
6-14	Applicability	6-28
6-15	Collection of the Security Deposit	6-28
6-16	Security Deposits for Tenants Transferring to Another Unit	6-30
6-17	Interest Earned on the Security Deposit	6-32
6-18	Refunding and Use of the Security Deposit	6-33
SEC	TION 3: CHARGES IN ADDITION TO RENT	6-35
6-19	Key Regulations	6-35
6-20	Charges Prior to Occupancy	6-35
6-21	Charges at Initial Occupancy	6-35
6-22	Meal Program	6-35
6-23	Charges for Late Payment of Rent	6-36
6-24	Pet Deposits	6-36

	6-25	Other Charges During Occupancy	6-38
		A. When Owners May Require Other Charges	6-38
		B. Checks Returned for Insufficient Funds	6-38
		C. Damages	6-38
		D. Special Management Services	6-38
		E. Court Filing, Attorney, and Sheriff Fees	6-38
		F. Owners May Require Tenants to Pay Other Charges	6-39
	SECT	TION 4: THE LEASING PROCESS	6-39
	6-26	Key Regulations	6-39
	6-27	Briefing with New Tenants	6-39
		A. Overview	6-39
		B. Briefing Topics	6-40
		C. Conducting the Briefing Meeting	6-40
	6-28	Form of Payment	6-41
	6-29	Unit Inspections	6-41
		A. Overview	6-41
		B. Key Requirements	6-42
		C. Move-In Inspection Requirements	6-42
		D. Move-Out Inspection Instructions	6-43
	6-30	Documents to Be Provided to Tenants	6-43
CHAP	PTER 7	7. RECERTIFICATION, UNIT TRANSFERS, AND GROSS RENT CHANGES	7-1
	7-1	Introduction	7-1
	7-2	Key Terms	7-2
	SECT	TION 1: ANNUAL RECERTIFICATION	7-3
	7-3	Key Regulations	7-3
	7-4	Key Requirements	7-3
	7-5	Timing of Annual Recertifications	7-6
		A. Key Requirement	7-6
		B. Determining Recertification Anniversary Dates	7-6
		C. HUD Approval of Alternative Recertification Anniversary Dates	7-7

	7-6	Overview of Annual Recertification Procedures	7-8
	7-7	Notices to Tenants	7-9
		A. Overview	7-9
		B. Description of Required Notices	7-9
	7-8	Effective Dates of Changes in Assistance Paymen Payment, and Tenant Rent	
		A. Overview	7-14
		B. Timely Completion of Recertification Process	7-14
		C. Timely Tenant Response, But Short Processing	Time 7-15
		D. Late Response/Processing of Recertifications	7-16
	SECT	TION 2: INTERIM RECERTIFICATION	7-22
	7-9	Key Regulations	7-22
	7-10	Key Requirements	7-22
	7-11	Owner Responsibilities	7-23
	7-12	Processing Interim Recertifications	7-26
	7-13	Effective Date of Interim Recertifications	7-27
	SECT	TION 3: UNIT TRANSFERS	7-28
	7-14		
		Key Regulations	7-28
	7-15	Key Regulations Key Requirements	
		•	7-28
	7-15	Key Requirements	7-28 sition7-28
	7-15	Key Requirements Unit Transfers Due to a Change in Family Compos	7-28 sition7-28
	7-15	Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should Oct	7-28 sition7-28 ccur 7-28
	7-15	Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should Oct B. Transfer Requirements	
	7-15 7-16	Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should Oct B. Transfer Requirements C. Written Policies	7-28 sition
	7-15 7-16	 Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should October B. Transfer Requirements C. Written Policies D. Transfer Fees in Section 236 and BMIR Cooperation 	7-28 sition
	7-15 7-16 SECT	Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should Od B. Transfer Requirements C. Written Policies D. Transfer Fees in Section 236 and BMIR Cooperation 4: GROSS RENT CHANGES	7-28 sition
СНАГ	7-15 7-16 SECT 7-17 7-18	Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should Od B. Transfer Requirements C. Written Policies D. Transfer Fees in Section 236 and BMIR Cooperation 4: GROSS RENT CHANGES	7-28 sition
СНАГ	7-15 7-16 SECT 7-17 7-18	Key Requirements Unit Transfers Due to a Change in Family Compose A. Determining Whether a Unit Transfer Should Od B. Transfer Requirements C. Written Policies D. Transfer Fees in Section 236 and BMIR Cooperation 4: GROSS RENT CHANGES	7-28 sition

SECT	ΓΙΟΝ 1:	TERMINATION OF ASSISTANCE	8-3		
8-3	Key R	egulations	8-3		
8-4	Applicability				
8-5	Key R	equirements: When Assistance Must Be Terminated	8-3		
8-6	Proce	dures for Terminating or Reinstating Assistance	8-5		
	A.	Terminating Assistance	8-5		
	B.	Reinstating Assistance	8-6		
8-7		nation of Assistance Related to Establishing Citizenship or le Immigration Status	8-6		
	A.	Applicability	8-6		
	B.	When Assistance Must Not Be Terminated	8-6		
	C.	Termination of Assistance When Unable to Establish Citizenship or Eligible Immigration Status	8-7		
	D.	Termination of Assistance When a Tenant Allows an Ineligible Individual to Reside in a Unit	8-8		
SECT	ΓΙΟΝ 2:	TERMINATION OF TENANCY BY LESSEES	8-9		
8-8	Key R	egulations	8-9		
8-9	Key R	equirements	8-9		
8-10	Allow	able Use of Security Deposits	8-9		
SECT	ΓΙΟΝ 3:	TERMINATION OF TENANCY BY OWNERS	8-9		
8-11	Key R	egulations	8-9		
	Α.	Termination of Tenancy	8-10		
	B.	Eviction for Drug Abuse and Other Criminal Activity	8-10		
	C.	Providing Notice of Termination of Tenancy	8-10		
8-12	Overv	iew	8-10		
8-13	Mater	ial Noncompliance with the Lease	8-11		
	A.	Key Requirements	8-11		
	B.	Procedures for Terminating Tenancy and Providing Notice	8-13		
8-14	Drug /	Abuse and Other Criminal Activity	8-16		
	A.	Key Requirements	8-16		
	B.	Factors to Consider When Terminating Tenancy for Drug Abuse and Other Criminal Activity	8-17		
	C.	Procedures for Accessing Criminal Records	8-18		
	D.	Procedures for Terminating Tenancy and Providing Notice	8-20		

	8-15		ial Failure to Carry Out Obligations under a State or Local ord and Tenant Act	8-21
		A.	Key Requirements	8-21
		B.	Procedures for Terminating Tenancy and Providing Notice	8-21
	8-16	Other	Good Cause	8-21
		A.	Key Requirements	8-21
		B.	Procedures for Terminating Tenancy and Providing Notice	8-22
	SECT	ΓΙΟΝ 4:	DISCREPANCIES, ERRORS, AND FRAUD	8-22
	8-17	Proce	dures for Addressing Discrepancies and Errors	8-22
		A.	Overview	8-22
		B.	Program Violations	8-22
		C.	Investigating and Discovering the Facts	8-23
		D.	Notifying and Meeting with the Tenant	8-23
		E.	Determining the Outcome of the Investigation	8-23
	8-18	Proce	dures for Addressing Fraud	8-24
		A.	Overview	8-24
		B.	Criminal Violation (Fraud)	8-24
		C.	Documenting Fraud	8-25
		D.	Taking Action to Address Fraud	8-25
	8-19		pancies Based on Information from a State Wage Information cy (SWICA) or Federal Agency	4ollectior 8-26
		A.	Requirements Regarding Wage Information Discrepancies	8-26
		B.	Procedures for Responding to Undisclosed Information or Discrepancies	8-27
		C.	Nondisclosure of Income Information	8-27
		D.	Opportunity to Contest	8-27
	8-20	imbur	sement to HUD for Overpayment of Assistance	8-28
		A.	Tenant's Obligation to Repay	8-28
		B.	Owner's Obligation to Repay	8-29
	8-21R	eimbur	sement to Tenant for Overpayment of Rent	8-29
СНА	PTER 9	9. REQ	UIRED 50059 AND SUBSIDY DATA REPORTING	9-1
	9-1	Introd	luction	9-1
	9-2	Key T	erms	9-1

SECT	TON 1:	TENANT RENTAL ASSISTANCE CERTIFICATION SYSTEM (TRACS)	9-2
9-3	Key R	egulations	9-2
9-4	Introd	uction to TRACS	9-2
	A.	Source Data	9-2
	B.	TRACS Databases	9-3
9-5	Owner	Submission Requirements	9-3
	A.	Electronic Data Processing and Transmission	9-3
	B.	Internet Applications	9-6
	C.	Funding the Costs of Implementing TRACS	9-7
9-6	Contra	act Administrator Requirements	9-7
9-7	Data C	Collection and Processing Procedures	9-8
	A.	Overview	9-8
	B.	Monthly Activity Transmission	9-8
	C.	Key Procedures	9-8
	D.	Resources for Understanding and Solving Payments Error Messages	9-9
	D.	Record-Keeping Requirements for HUD-50059 and Vouchers	9-9
9-8	The HU	JD-50059	9-10
9-9	Resou	rces	9-12
SECT	TON 2:	PAYMENTS	.9-13
9-10	Key R	egulations and Statutes	9-13
9-11		ance Payments, Special Claims, Utility Reimbursements, cess Income – General	9-14
9-12	Assist	ance Payments	9-14
	A.	Applicability	9-14
	B.	Key Requirements	9-15
	C.	Procedures for Obtaining Assistance Payments from HUD	9-16
	D.	Assistance Payment Calculations	9-16
	E.	Payments for Partial-Month Occupancies	9-16
	F.	Certifications Required of the Owner	9-19
	G.	Criminal and Civil Penalties for Fraud	9-20
9-13	Utility	Reimbursements	9-21
	A.	Overview	9-21
	B.	Key Requirements	9-21

	C.	Reimbursement Options	9-21
9-14	Special Claims		
	A.	General Guidelines for Processing Special Claims	9-21
	B.	Special Claims for Vacancy Losses During Rent-Up	9-22
	C.	Claims for Unpaid Rent and Tenant Damages	9-24
	D.	Claims for Vacancy Losses After Rent-Up (Regular Vacancy)	9-27
	E.	Special Claims for Debt Service Vacancy Payments	9-30
	F.	Special Claims Record-Keeping	9-32
	G.	Special Claims Processing Guide	9-33
9-15	Exce	ss Income	9-33
	A.	Overview	9-33
	B.	Key Requirements	9-33
	C.	Prenaring and Submitting Monthly Reports of Excess Income	9-33